# ANDOVER BOARD OF HEALTH Minutes June 9, 2014, 6:00 P.M. CD&P First Floor Conference Room 36 Bartlet Street

The Board of Health Meeting was called to order at 6:11 p.m. Present were Ms. Candace B. Martin, Chairman, Gopala K. Dwarakanath, M.D., Clerk, and Mr. Thomas G. Carbone, Director of Public Health. Ms. Katherine Kellman, Vice-Chairman, was not in attendance due to a scheduling conflict.

## I. Approval of Minutes

• May 12, 2014

Motion by Ms. Martin, seconded by Dr. Dwarakanath, to approve the Minutes of May 12, 2014. Unanimous approval.

#### II. Appointments & Hearings

• 6:00 p.m. – Master Shin's Summer Martial Arts Camp – Public Hearing for new Camp – Mr. Carbone informed the Board that this is a new camp that is applying, but he has not received all the required documentation yet. This is a Public Hearing that is required by law, and has been advertised in the newspaper as required also. Mr. Shin informed the Board that his camp is located at 200 Andover Street, and is an indoor sports camp to teach martial arts and good values. This will be a full day camp. Parents have the option to sign up for a day or for weeks and there is a program being run each day for 4 or 6 hrs. Mr. Shin stated that he has a Physician as a health care consultant and is working on getting all required documentation ready in time to open his camp on July 14, 2014. Mr. Carbone stated that the camp would be subject to required approval of all documents and an inspection, so he would need to have all documentation ready in two weeks time.

Motion by Ms. Martin, seconded by Dr. Dwarakanath to approve the new Master Shin's Summer Martial Arts Camp subject to approval of all required documentation and inspection by the Health Staff. Unanimous approval.

• Annual Staff Appointments - In accordance with the provisions of M.G.L.c. 111, §30, the Board of Health appoints the following persons to serve as its agents and officers for the fiscal period of July 1, 2013 through June 30, 2014, and beyond as necessary to serve at the pleasure of the Board. Said appointments are for regulatory authority only and do not guarantee any salary or fee.

#### **Permanent Staff**

Thomas G. Carbone as Director of Public Health

Joanne Martel, R.N. as Assistant Director of Public Health/Public Health Nurse

Daniel H. Tremblay as Sanitarian

Patricia Crafts as Health Agent.

Jane Morrissey, R.N., as Public Health Nurse

**Ronald Beauregard** as Agent (Healthy Communities Tobacco Control Program)

Robert Douglas as Agent (Conservation Director)

**Linda Cleary** as Agent (Conservation Agent)

Richard Danforth as Agent (Plumbing Inspector)

**David Dargie** as Agent (DPW Construction Engineer)

**David Nichols** as Agent (Medical Reserve Corps)

Anthony Turiano, M.D. as Board of Health Physician

# **Contract Staff (on call as needed)**

Michelle Grant as Agent

Charlene Gagnon as Public Health Nurse

Nanci MacKenzie as Public Health Nurse

Kay Devanna as Public Health Nurse

<u>Emergency Appointments</u> – In accordance with the provisions of M.G.L.c. 111, §30, the Board of Health hereby authorizes the Director of Public Health or the next person in succession to make emergency appointments of Health Agents with the verbal approval of the Chairman of the Board of Health or a member in succession, and the Town Manager. Said appointments shall expire in 7 days unless otherwise extended by the Board of Health, and shall be for emergency purposes only.

**Discussion**: Mr. Carbone informed the Board that he would like to add Wayne Nader, Animal Control Officer, as an Agent working on behalf of the Board of Health. He has also become the Animal Inspector since the retirement of Dr. Lindsay. Mr. Nader will be working with Mr. Carbone on developing new Animal Regulations.

Motion by Ms. Martin, seconded by Dr. Dwarakanath to approve the Staff Appointments for Permanent Staff, Contract Staff (on call as needed) and Emergency Appointments as well as adding Wayne Nader, Animal Control Officer, as an Agent under Permanent Staff. Unanimous approval.

#### III. Discussion

#### • Possible Further Regulation of Tobacco

- i. Limiting the Number of Retail Tobacco Permits
- ii. Prohibition of the Retail Sale of Tobacco in Health Care Facilities
- iii. Raising the Age to Purchase Tobacco

The discussion on possible further regulation of Tobacco will be postponed to the August, 11, 2014 Board of Health Meeting so that all Board of Health Members and Ms. Joanne Martel, R.N., Assistant Director of Public Health, can be present.

• Animal Regulation Discussion – Mr. Carbone informed the Board that he and Animal Control Officer Wayne Nader has been discussing updating the Animal Regulations for the past year. Mr. Carbone wanted the Board to decide which types of animal it would like to add to the regulations. At this time, chickens, roosters, Lamas, and many farm animals are not regulated by the Board of Health. We now only regulate goats, pigs, piggeries, and commercial and private horse stables. Ms. Martin stated that she knows someone who has chickens, but the Town that person lives in does not allow roosters because of the noise nuisance they cause. Mr. Carbone stated that we have had complaints about roosters in the past, but had no regulations to enforce. Ms. Martin felt that any animal that may cause a nuisance to neighbors as far as noise and odors should be addressed in the regulations. Dr. Dwarakanath thought that restricting the number of chickens a person could have would be a good idea. If there are too many, that may become a commercial venture.

Mr. Carbone stated that some animals are protected by the state under agriculture. With the regulations we have now, you need two acres to have a horse. Dr. Dwarakanath stated that he thought some people may have variances to the two acre requirement because he has seen some property with horses that seem to not have enough room. Mr. Carbone explained that even if the horses do not have a large space to roam in, it is the actual acreage of the property that matters. Mr. Carbone explained that Officer Nader has a "Barn Book" which he is required by the State to use and lists all his inspections of the barns.

The Board asked about dogs and cats. Mr. Carbone stated that the Clerk's Office licenses them and that the Board should not get involved in the licensing of household pets such as dogs and cats. Ms. Martin had a concern about some of the dangerous breeds, such as Pit Bulls and Rottweiler's. There is a Town By-Law that dogs need to be on a leash. Mr. Carbone stated that he will get the Board more information on how dogs are being regulated. Ms. Martin asked if we should regulate bee keeping. Dr. Dwarakanath stated that bees can cause harm if not maintained or if someone comes across the bee hives. Mr. Carbone stated that he would have to look into that.

Mr. Carbone asked the Board if it would like to have a Public Hearing concerning new Animal Permit Applications. We could send out abutter notifications to give neighbors an opportunity to respond. This gives the neighbors a voice and neighbors appreciate being informed. The Board could require a Hearing for new animals, but keep the existing ones Grandfathered in. The Board stated that it would not want to hold hearings unless variances to the regulations are required.

Ms. Martin stated that she liked the structure of the Draft Regulations. At the end there is a section for Special Animal Provisions relating to wild animal such as ducks, geese, and raccoons and that category may be too much and maybe should be

considered a Wild Animal category. Dr. Dwarakanath asked what timeline the Board should define Grandfathering existing animals, and Mr. Carbone stated that it would be at the time of the adoption of the Regulations.

Mr. Carbone stated that he envisioned reworking the regulations and filling in the gaps with chickens, Lamas, and mini donkeys. Ms. Martin would like to look at a way to educate animal owners. Mr. Carbone stated that he is hoping to get a workgroup together, and there were residents who have been interested in getting involved in the past. He will contact them again and see if they are still interested. Ms. Martin suggested seeing if someone such as the owner of Ironstone Farm would be willing to participate so we have some experts involved. Ms. Martin stated that this is a good start to getting these regulations in place.

- Update on Casco Crossing issues (not on Agenda) Mr. Carbone informed the Board that when he went to Building 3, Unit 313 to try the new call box system with Mr. Ciampa, Mr. Ciampa was unable to make it work properly. However, Mr. Carbone tried several times and was able to make it work. Ms. Katherine Bishop at Building 1, was having some trouble at first, but then figured out how to use the system properly. Mr. Carbone will be waiting for work to be completed before he sends out any correspondence. Ms. Martin was pleased that the owners were very serious about solving all the issues at Casco Crossing.
- Krafton Way Subdivision Update (on Inspector's Report) Mr. Carbone stated that at the April 14, 2014 Board of Health Meeting the subdivision plan was approved, but now there is a revised plan. They moved the lot lines slightly and adjusted the sewer line so the existing sewer line will not have to be touched. Mr. Carbone stated that he had a concern with the drainage in the current plan. They have shifted the driveway away from the Chin Maya Mission, but some design flaws were found by the Town Engineer and the consulting Engineer. The second dwelling will have its own sewer line. The Board reviewed the plans The existing 4" pipe will stay and doesn't need to be upgraded, and the new pipe will be a 6" pipe. The roadway was shifted to move further away from a property line because they developed a swale so they can direct the runoff away from the Chin Maya Mission. One of the infiltrator beds has limited cover so can end up taking water and breaking out onto the ground surface, so that needs to be adjusted. Mr. Carbone will send his comments to the Planning Board.
- Update on Summer Camps (not on Agenda) Mr. Carbone informed the Board that Health Staff has been working diligently to get thirteen camps open. There has been a issue with Boston Sports Club because it applied late and not all required documentation has been received. Ms. Patricia Crafts, Health Agent, has been working with them and met with them last week. They may have to open after their planned date, but we are working on getting them open by the end of June. It does take Staff about two weeks to review paperwork so Mr. Carbone has had discussion with Staff to work out a resolution with Boston Sports Club to pay some overtime to get all camps ready in a more timely manner; then we may be able to move their

opening date up. Mr. Carbone explained that this happened due to Camp Staff miscommunication about the submission of documentation, and Mr. Carbone is more concerned with the children whose parents depended on that camp on those dates, not about the commercial part of it. However, our number one concern is for the safety of the children. Ms. Martin questioned why some camps do not have all their documentation ready and what the process is for renewals. Mr. Carbone explained that we send out paperwork in January for camps to get started on their applications. We also used to do a Camp Workshop, and are considering bringing that back so we can hopefully avoid so many last minute problems.

#### IV. Old Business

## • Court Case Updates

- i. 116 Osgood Street Mr. Carbone informed the Board that he went to Court on Thursday and Ms. Odle appeared with a Hoarding Specialist. They asked the Judge to grant her more time, and he granted her a Continuance to August 15, 2014. At that time the Court will review her situation to see if there has been considerable amount of work done, and if not, the property will go into receivership. This applies to the outside of the house only. This week was the eleventh appearance before the Housing Court concerning Ms. Odle. The Attorney General does not want this to be delayed much longer because if it isn't done soon, it could drag out into the cold weather months and then the work will not be able to be done because things will be frozen to the ground.
- **7R Lowell Junction Road** Mr. Carbone stated that he and Mr. Afshin ii. appeared at the Magistate's Hearing and Mr. Carbone asked for the Complaint to be issued. Mr. Afshin stated that the cost of the pumps was so high and he didn't understand why they would cost so much. Mr. Carbone talked with the Design Engineer who said he had to use a two horse power pump because of the fact that they are connecting into a 11/4" pipe, where they typically connect to a 2" pipe. The Magistrate told Mr. Afshin that she was going to issue the Complaint and he will have to appear before a Judge in July. Hopefully Mr. Afshin will have a different plan by then or will complete the sewer installation. Ms. Martin asked if they don't comply by then, what happens in Criminal Court. Mr. Carbone replied that the next appearance will be an Arraignment in front of a Judge and Mr. Afshin will have to explain to the Judge why he hasn't complied with the ORDER to connect to sewer. If he is found guilty, the Judge could fine him up to \$1,000.00 a day for noncompliance. Another thing that may happen is that the Judge may convert this Criminal case to a Civil case which then allows other actions to take place. After some discussion, Ms. Trippi arranged a court date of July 10, 2015 and required Mrs. Afshin attend with him also.
- Adopt Revised Tobacco Regulations Mr. Carbone informed the Board that Town Counsel approved the revised Tobacco Regulations to the Board of Health's

specifications. Once the Board adopts them, he will publish a legal ad in the Thursday, June 19, 2014 Andover Townsman. He will also file the revised Tobacco Regulations with the Department of Environmental Protection. The revised regulations will be enforceable as soon as they are published in the newspaper.

Motion by Ms. Martin, seconded by Dr. Dwarkanath, to adopt the revised Tobacco Regulations as written. Unanimous approval.

## V. Subdivision Definitive Plans

• N/A

#### VI. Plan Review

- DWRP Variances/Local Upgrade Approval
  - 25 Mohawk Road LUA to allow Sieve Analysis in Lieu of Percolation Test Mr. Carbone informed the Board that the LUA has been withdrawn because they were able to get a Percolation test done last week. The system was bigger than it had to be and they will now be able to reduce it by a third.

## VII. Staff Reports

#### A. Director's Reports:

- Important Dates:
  - ° July 14, 2014 at 6 p.m. − Board of Health Meeting
  - ° July 19 30, 2014 Director's Vacation
  - ° August 11, 2014 at 6 p.m. Board of Health Meeting
  - September 8, 2014 at 6 p.m. Board of Health Meeting
- B. **Nurses' Report for May, 2014** The Nurses' Report for May, 2014, were for informational purposes only.
- C. **Inspectors' Reports for May, 2014** The Inspectors' Reports for May, 2014, were for informational purposes only.

# VIII. Board Member Reports

N/A

## IX. Adjournment

Motion by Ms. Martin, seconded by Dr. Dwarakanath, to adjourn at 7:14 p.m. Unanimous approval.